

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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| <p>STEVE J. ANKARLO, Plaintiff, vs. WISCONSIN CENTRAL LIMITED, a Delaware Corporation, Defendants.</p> | <p>Case No: 0:19-cv-03166-DWF-LIB PLAINTIFF'S STATEMENT OF THE CASE</p> |
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Plaintiff Steve J. Ankarlo, by and through the undersigned Counsel, as and for his Statement of the Case hereby states as follows:

A. Facts of the Case

This is a Federal Employers Liability Act case arising from injuries sustained by the Plaintiff Steve J. Ankarlo on or about December 28, 2016 when he began developing pain in his low back, radiating into his left buttock and leg which progressively worsened. During the following weeks Plaintiff was required to work without adequate help for approximately 14-17 hours per day constantly, manually picking ice from railroad switches, changing rail and doing other extremely heavy and repetitive labor for several weeks while also being constantly rushed by Defendant's Supervisor to get more work accomplished.

Plaintiff's Foreman Joseph Von Rueden, advised the Defendant's Supervisor James Fuller on January 6, 2017 that Plaintiff's crew was working short-handed and requested another man as the crew was not able to work safely in it's current state.

Defendant did not respond to Foreman Rueden's request and as a result Plaintiff's injuries progressed. Plaintiff was able to work until January 11, 2017 when he was pulled from service by his physician.

B. Applicable Law & Liability

Plaintiff's claim is brought under the Federal Employer's Liability Act (FELA). The Federal Employer's Liability Act states that if a railroad is negligent and its negligence causes, in whole or in part, an employee's injury the employee can recover monetary damages if the employee is injured while working for the railroad.

Defendant was negligent when it failed to provide adequate help to perform the work it required safely, even after being specifically advised of the dangerous and unsafe conditions Plaintiff and his co-workers were required to contend with.

C. Damages

Due to his injuries Plaintiff was unable to work from January 11, 2017 until November 17, 2017. During this period he would have earned between \$28.68 and \$29.25 per hour and overtime wages of approximately \$43.50 per hour. In addition Plaintiff lost 10 months of credits for Railroad Retirement Board, contributions to his 401(k) by his employer as well as loss of 3 weeks of vacation and 2 personal days of pay for 2018. Plaintiff's damages also include past and future pain and suffering and other intangibles which are continuing at this time. Plaintiff calculates his past economic loss at approximately \$75,000. Plaintiff will supplement regarding exact figures and possible future economic and non-economic damages.

BREMSETH LAW FIRM, P.C.

Dated April 6, 2020

/s/Fredric A. Bremseth

Fredric A. Bremseth
601 Carlson Parkway, Suite 995
Minnetonka, Minnesota 55305
Telephone: (952) 475-2800
Facsimile: (952) 475-3879

David L. Blunt *Pro Hac Vice*
Blunt Slocomb, Ltd.
P.O. Box 373
Edwardsville, IL 62025
Phone: 618-656-7744
Fax: 618-656-7849

Attorneys for Plaintiff